

# Order

Michigan Supreme Court  
Lansing, Michigan

November 13, 2006

Clifford W. Taylor,  
Chief Justice

131101

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

MARKHAM GENERAL INSURANCE  
COMPANY, Subrogee of ALL MAKES  
LOGISTICS, LTD.,  
Plaintiff-Appellant,

v

SC: 131101  
COA: 257284  
Calhoun CC: 04-000681-NO

NATHANIEL MORRIS EVANS,  
Defendant-Appellee.

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On order of the Court, the application for leave to appeal the March 23, 2006 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

CAVANAGH and KELLY, JJ., concur in the denial of leave to appeal except that they would vacate that portion of the Court of Appeals judgment that erroneously equates the plaintiff's voluntary waiver of its policy's property damage coverage deductible with an acknowledgement that the deductible loss paid was "covered by insurance" within the meaning of MCL 500.3135(3)(e).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 13, 2006

*Corbin R. Davis*

Clerk